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*Comment Received From: Michael McGrady
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What They Have Done is What They Will Do

Additional submitted attachment is included below.

The best predictor of future behavior is past behavior

Commissioners, friends, and neighbors, ENGIE North America's task was not a difficult one on the Compass Energy project. It wasn't some obscure requirement, or a bylaw buried deep in the archives of the state.

It's a simple and clearly articulated part of the California Public Resources Code; a baseline requirement if you want to install these large (and dangerous) battery energy storage systems.

Before a company can even gain approval on their initial application, and way, WAY before the first dollars start flowing into ENGIE's bank accounts, they must unequivocally and contractually commit to bring a solid benefit to the local community.

*The California Public Resources Code (PRC) section 25545.10 mandates that for certification of a non-fossil-fueled powerplant, **energy storage facility**, or related facility, the applicant must have a legally binding agreement with a coalition of community-based organizations, outlining community benefits.*

A year ago, knowing their legal responsibility well in advance, ENGIE told the Commission, and the greater community at large:

"Compass is in conversation with the City of San Juan Capistrano and has worked to identify community needs in the areas of public safety, parks and recreation, circulation, and the arts. "

"The Compass Community Engagement Team...have met with a number of organizations that will support the development and well-being of children, workers, and disadvantaged populations in Orange County."

"...well-being of children.... disadvantaged populations." Such sweet and endearing sentiments from a multinational company the size of Federal Express. Surely, ENGIE understands the basic application process. After all, this is a company that operates in 31 countries across five continents; they know code and contractual requirements are a regular part of business.

And of course, ENGIE executed these legally binding community benefit agreements within the April-July 2024 timeframe which they promised last year.

So where are we now?

“Engie had not worked with the City to identify community needs, as it had stated in its plan, and there were no conversations or proposals on an agreement. The City also indicated that Engie had misrepresented its conversations with the City in that there was no meaningful discussion that had occurred between Engie and the City about a community benefits agreement between them. Namely, Engie had not worked with the City to identify community needs, as it had stated in its plan, and there were no conversations or proposals on an agreement.”

March 28, 2025

City of San Juan Capistrano Comments on ENGIE Community Benefits Plan

“Unidos South OC was never asked to agree to anything or sign any legally binding document. Unidos was explicitly told that Engie’s potential contribution to the community was not contingent upon any actions of Unidos South OC, nor would it require any support from us for the project. Moreover, we were made aware that Unidos South OC was free to oppose the project, as contribution to benefit the community would be unrelated to any support or opposition of the project.’

‘Unidos South OC was informed that Engie desired but was not required to make positive contributions to the San Juan Capistrano community contingent upon the approval of the project...Unidos South OC will not enter into any legally binding agreements with Engie. Furthermore, we will not endorse, support or otherwise promote the Compass Energy Storage project in San Juan Capistrano.’

February 15, 2025

John and Heather Chapman, Co-Executive Directors – Unidos South OC

Unidos South OC is a non-profit organization dedicated to neighborhoods of South Orange County disproportionately affected by inequities and social challenges

“We understand that the Boys & Girls Clubs of Capistrano Valley has been named as a potential community partner in the battery storage project located in San Juan Capistrano. As an organization dedicated to serving the youth and families of our community, we strive to remain focused on our mission and ensure that our involvement aligns with our core values...At this time, we are asking that you remove the Boys & Girls Clubs of Capistrano Valley name from your proposal, as we are not interested in being affiliated with this project.”

February 13, 2025

Nicole Watson, Chief Executive Officer – Boys & Girls Clubs of Capistrano Valley

The Boys & Girls Clubs of Capistrano Valley are a world-class afterschool nonprofit offering quality programs for academic success and healthy lifestyles while building good character and leadership skills in our members

Small Betrayals Leave Big Doubts

ENGIE North America's failure to adhere to the most basic part of the application process for these large-scale lithium energy storage systems has revealed a worrying pattern of inconsistent commitment and a disregard for established processes.

This has resulted in a significant breach of trust with multiple stakeholders, who now question the integrity of the company's commitments. If ENGIE cannot demonstrate a commitment to transparency and good faith during the application phase, there is justifiable doubt regarding its capacity to fulfill the complex responsibilities demanded in the engineering, safety, and operations of a type of energy storage system that has, in recent history, caused evacuations and have put communities at risk.

ENGIE has undermined their own credibility. In considering the process as we move forward, the best predictor of future behavior is past behavior.

I therefore join Unidos South OC when they ask...

“We respectfully urge the California Energy Commission to reconsider the proposed location of the Compass Energy Storage Project. Our community cannot afford to bear the risk of such a potentially catastrophic event. We ask that the Commission carefully assess the safety concerns posed by this site and explore alternative locations that would not place economically vulnerable residents in jeopardy.”